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March 5, 2001

WRITER'S DIRECT DIAL
(312) 704-3114

FILE NO.
7048395

Federal Election Commission
Washington, D.C. 20463
Attn: Elizabeth William

RE: Federal Election Commission
MUR 5167

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MAR 6 10 37 AM '01

Dear Ms. Williams:

We are in receipt of the Federal Election Commission letters dated February 2, 2001 directed to George Moser, President, Charter National Bank and dated February 12, 2001 directed to "Jim O'Gnibene", President, Northwest Bancorp. Our office has been retained by all parties to represent their interests in the matter. We enclose their respective Statement of Designation of Counsel. This letter is intended to be their response to the Federal Elections Commission's letters described above.

A. Parties.

1. George Moser. The person identified in the letter dated February 2, 2001, is George A. Moser. Mr. Moser is the Chairman of the Board of Directors of the Charter National Bank and Trust (also known as Charter Bank and Trust N.A.). George A. Moser is also the Chairman of Northwest Bancorp.
2. Eugene Ognibene. The person identified in the letter dated February 12, 2001 is not "Jim O'Gnibene" but is Eugene Ognibene. Mr. Ognibene is the President of Charter National Bank and Trust and is the President of Northwest Bancorp.
3. Charter National Bank and Trust. Charter National Bank and Trust is a federally chartered bank with the facilities in the state of Illinois located at 1400 W. Irving Park Road, Hanover Park, Old Orchard and Barrington Roads, Schaumburg and 2200 W. Higgins Road, Hoffman Estates. (See additional information following in section entitled "Corporate History of Charter National Bank and Trust").

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4. Northwest Bancorp. Northwest Bancorp is an Illinois corporation which is a one bank holding company. Its sole assets are comprised of 100% of the shares of Charter National Bank and Trust.
- B. FEC's Alternative Dispute Resolution (ADR). The parties decline to:
- A. Submit this case to the ADR Process;
 - B. Agree to participate in bilateral negotiations; or
 - C. Waive the statute of limitations.
- C. Statute of Limitations. Section 455 of the Federal Election Campaign Act (2 USC 455) provides for a three year period of limitations. All of the relevant acts described in the complaints occurred more than ten years ago. The parties each raise Section 455 as a bar to the complaints made in MUR 5167. While we believe Section 455 bars all actions for violation of the Federal Election Campaign Act, if it is held that Section 455 only applies to criminal acts, we believe that all civil violations are barred by other applicable statutes of limitation. For the reasons hereafter stated, the only acts that are relevant are those of the "First National Bank of Hoffman Estates", each of which occurred more than 10 years ago. All of the Federal statute of limitations that we are aware of with respect to civil matters are 10 years or less. Therefore, all actions against our clients are also barred by those other statutes of limitations. Finally, this case illustrates the very purpose of the statute of limitations. Allegations have been made against our clients. Yet, because of the passage of time, they are left without the documentation necessary to defend against those allegations. The Commission should bar the complaints against our clients.
- D. Corporate History of Charter Bank and Trust. First State Bank of Hanover Park, a bank chartered by the State of Illinois, changed its name to Charter Bank and Trust of Illinois in October 1987. In 1993, Charter Bank and Trust Company of Illinois merged with the First National Bank of Hoffman Estates, keeping the federal bank charter. Charter National Bank and Trust is the surviving corporation from that merger.
- E. Acts of Charter Bank and Trust of Illinois. Without waiving the protection of Section 455, and other applicable statutes of limitation, the respondents states that items 1 and 6 noted in the January 25, 2001 letter of Christopher Bollyn, if committed by

2001-04-05 1952

"Charter Bank", Hanover Park or "Charter Bank and Trust" HP, were the acts of a state chartered bank which was not subject to the terms of the Federal Election Campaign Act of 1971 which prohibits contributions from federal banks.

F. Acts of Charter National Bank and Trust/formerly the First National Bank of Hoffman Estates. Without waiving the protection of Section 455 and other applicable statute of limitations, Charter National Bank and Trust wishes to state as follows:

1. Checks are kept only for 7 years as required by Federal Law. Charter National Bank and Trust does not believe that it made the contributions described in the material included in the letters. However, Charter National Bank and Trust does not have the records to verify its belief. Charter National Bank and Trust believes that the Citizens for O'Malley Committee identified the checks by the bank upon which they were drawn rather than the maker of the checks and incorrectly described the checks as being "contributions" from Charter National Bank and Trust.
2. Charter National Bank and Trust has reviewed its records and states that it never made any loan to the "Citizens for O'Malley Committee". In fact, the material attached to Mr. Bollyn's February 5, 2001 letter is entirely devoid of any information regarding the loan transaction complained of.

G. Conclusion. For all of the foregoing reason, Eugene Ognibene, George A. Moser, Northwest Bancorp and Charter National Bank and Trust request that the Federal Election Commission take no action on the complaints filed by Christopher Bollyn.

Respectfully submitted,

HINSHAW & CULBERTSON


Stephen H. Malato

SHM/vl

cc: William Roberts
George A. Moser
Eugene Ognibene

21-04-405-1953

STATEMENT OF DESIGNATION OF COUNSEL

MUR 5167NAME OF COUNSEL: Stephen H. MalatoFIRM: Hinshaw & CulbertsonADDRESS: 222 N. LaSalle Stree, Suite 300
Chicago, Illinois 60601TELEPHONE: (312) 704-3114FAX: (312) 704-3001

The above-named individual is hereby designated as my counsel
and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

February 25, 2001
Date


Signature

RESPONDENT'S NAME: George A. MoserADDRESS: c/o Stonegate Properties, Inc.2500 West Higgins Road, Suite 4000Hoffman Estates, IL 60195

TELEPHONE: HOME ()

BUSINESS (847) 882-2200

21-04-405-1954

STATEMENT OF DESIGNATION OF COUNSEL

MUR. 5167NAME OF COUNSEL: Stephen H. MalatoFIRM: Hinshaw & CulbertsonADDRESS: 222 N. LaSalle St., Suite 300Chicago, Illinois 60601TELEPHONE: (312) 704-3114FAX: (312) 704-3001

The above-named individual is hereby designated as my counsel
and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

Feb. 25, 2001

Date



Signature

RESPONDENT'S NAME: Charter National Bank and TrustADDRESS: 2200 West Higgins RoadHoffman Estates, IL 60195-2481

TELEPHONE: HOME()

BUSINESS(847-) 882-1000

21-04-405-1955

STATEMENT OF DESIGNATION OF COUNSEL

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Feb. 25, 2001

Date


SignatureRESPONDENT'S NAME: Northwest BancorpADDRESS: 2200 West Higgins RoadHoffman Estates, IL 60195-2481TELEPHONE: HOME () BUSINESS (847) 882-1000

21-04-405-1956

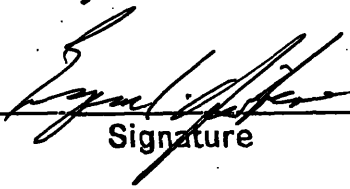
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and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

Feb. 25, 2001

Date


SignatureRESPONDENT'S NAME: Eugene OgnibeneADDRESS: 2200 West Higgins RoadHoffman Estates, IL 60195-2481TELEPHONE: HOME () BUSINESS (847) 882-1000

21-04-405-10-12